

Attorney's Docket N MSB-7265-PCT-US**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Jianmin Chen, et al.

Serial No.: 10/019,065

Filed: International Filing Date: 30 March 2001

Title: Protein Having Activity as an Angiogenesis Modulator

**Box PCT
Commissioner for Patents
Washington, D.C. 20231**

Dear Sir or Madam:

Applicants respond as follows to the Notice mailed on April 22, 2002, a copy of which is enclosed.

Applicants herewith submit a Declaration of the inventor, Gayle Delmonte Wetzel, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

Applicants also submit a computer readable form (CFR) of the Sequence Listing. The paper copy of the Sequence Listing and the computer readable form of the Sequence Listing, are identical and include no new matter.

Respectfully submitted,

May 31, 2002
DateMelissa A. Shaw
Melissa A. Shaw
Attorney for Applicant
Reg. No. 38,301
Phone: (510) 705-7901

CERTIFICATE OF MAILING

I hereby certify that this correspondence and any papers referred to as being enclosed, are being deposited, on the date shown below, with the United States Postal Service, as Express Mail Label No. EV 064144492 US in an envelope addressed to the U.S. Patent and Trademark Office, Box Sequence, P. O. Box 2327, Arlington, VA 22202.

May 31, 2002
DateLuajuana LeGrande
Luajuana LeGrande



UNITED STATES PATENT AND TRADEMARK OFFICE

 Commissioner for Patents, Box PCT
 United States Patent and Trademark Office
 Washington, D.C. 20231
 www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/019,063	FIRST NAMED APPLICANT Jianmin Chen	ATTY. DOCKET NO. MSB-7265-PCT-US
MAY 31 2002 PATENT & TRADEMARK OFFICE		INTERNATIONAL APPLICATION NO. PCT/US01/10222
RECEIVED MAY 14 2002 BAYER CORPORATION PATENT DEPARTMENT BERKELEY, CA 94701		I.A. FILING DATE 03/30/2001

 Melissa A. Shaw
 Bayer Corporation
 800 Dwight Way
 P.O. Box 1986
 Berkeley, CA 94701

 CONFIRMATION NO. 1911
 371 FORMALITIES LETTER


Date Mailed: 04/22/2002

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Biochemical Sequence Listing
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Oath or Declaration

DOCKETED
RESPONSE DATE <u>6-22-02 DL</u>
ACTION REQ <u>Respond to</u>
<u>office action</u>
MEMO <u>ARB-5-102</u>

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - Per Decision fro Legal Department The declaration names "Monte Wetzel" as an inventor, and the published International Application names "Wetzel, Gayle, Delmonte".....
- \$130 Surcharge for providing the oath or declaration later than the appropriate 30 months months from the priority date (37 CFR 1.492(e)) is required.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):
 - A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).
 - APPLICANT MUST PROVIDE:
 - An initial or substitute computer readable form (CRF) of the "Sequence Listing."
 - A statement that the contents of the paper or compact disc and the computer readable form are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d).
- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
 - For Rules Interpretation, call (703) 308-4216
 - To Purchase PatentIn Software, call (703) 306-2600
 - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130** Late oath or declaration Surcharge.
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

PATRICIA A BOOKER

Telephone: (703) 305-3738

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/019,065	PCT/US01/10222	MSB-7265-PCT-US